

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LARRY ARNOLD,

Plaintiff,

vs.

**MICHAEL ASTRUE, Comm'r of
Social Security,**

Defendant.

) **Case No. 1:06 CV 1625**

)

) **Judge Dan Aaron Polster**

)

) **MEMORANDUM OF OPINION**

) **AND ORDER**

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On July 16, 2007, the Court adopted Magistrate Judge Perelman's recommendation and remanded Plaintiff Larry Arnold's Social Security Income ("SSI") appeal for further proceedings, finding that the Administrative Law Judge's decision denying Arnold's application for SSI was not supported by substantial evidence. (Doc #: 21, 22.) On November 18, 2010, Arnold's attorney, Marcia Margolius, Esq., filed the pending Motion for Attorney Fees Pursuant to 20 C.F.R. §§ 416.1525 and 416.1528, seeking an award of \$5,775 (the "Motion"). (**Doc #: 23.**) Shortly thereafter, the Court referred the case to Magistrate Judge McHargh for preparation of a report and recommendation. (Doc #: 24.) On December 2, 2010, the Defendant Commissioner of Social Security filed notice that it had no objection to the Motion. (Doc. #: 25.)

Magistrate Judge McHargh has now issued a Report and Recommendation, recommending that the undersigned grant the pending Motion as Attorney Margolius' request

falls well within the parameters set forth in 42 U.S.C. § 406(b) and Sixth Circuit case law (the “R&R”). (**Doc #: 26.**) The Commissioner has responded that he will not be filing objections to the R&R. (Doc #: 27.)

Due to the thoroughness of the Magistrate Judge’s R&R and the Commissioner’s lack of objections, the Court hereby **ADOPTS** the R&R (**Doc #: 26**), **GRANTS** the Motion for Attorney Fees Pursuant to 20 C.F.R. §§ 416.1525 and 416.1528 (**Doc #: 23**), and **AWARDS** Attorney Margolius the requested \$5,775.00 in attorney fees.

IT IS SO ORDERED.

/s/ Dan A. Polster January 27, 2011
Dan Aaron Polster
United States District Judge